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Pro Bono Counsel Referred
via the Legal Aid Center of Southern Nevada
for Petitioner GREGORY MAY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GREGORY MAY,

Petitioner,

v.

SCOTT MATTINSON, *et al.*,

Respondents.

)
) Case No.: 2:19-cv-00161-RFB-VCF
)
) **MOTION FOR EXTENSION OF**
) **TIME TO FILE FIRST AMENDED**
) **COMPLAINT VIA *PRO BONO***
) **COUNSEL (ECF. NO. 11)**
) (First Request)
)
)
)

Petitioner, GREGORY MAY, by and through his attorney of record, Angela H. Dows, Esq., respectfully requests that this Court grant Petitioner an extension of time of forty-five (45) days or until on or before June 3, 2019 to file his first amended complaint in the matter. (See ECF No. 11.) This Motion is based upon the attached points and authorities and all pleadings and papers on file herein.

DATED this 19th day of April, 2019.

By: /s/ Angela H. Dows
Angela H. Dows, Esq.
Nevada Bar No. 010339
CORY READE DOWS & SHAFER
Attorney for Petitioner GREGORY MAY

MEMORANDUM OF POINTS AND AUTHORITIES

1
2 1. That on January 24, 2019, Petitioner, *pro se*, filed his initiating
3 document in the case, and a Complaint was thereafter docketed on February 5,
4 2019. (See ECF Nos. 1, 3.)

5 2. Respondents filed a response to Petitioner's motion for preliminary
6 injunction on February 13, 2019. (See ECF No. 5.)

7
8 3. On February 20, 2019, a status conference was held in the subject case
9 whereby Petitioner's motion for preliminary injunction was denied without
10 prejudice, and Petitioner's complaint was dismissed without prejudice. Petitioner
11 was further ordered to file an "Amended Complaint within 60 days or risk dismissal
12 of the case without prejudice." (See ECF No. 11.)

13
14 4. On March 25, 2019, instant counsel filed a notice of appearance in the
15 matter as *pro bono* counsel for Petitioner through a referral from the Legal Aid
16 Center of Southern Nevada. (See ECF No. 12.)

17 5. The formal order of appointment of *pro bono* counsel was thereafter
18 entered on April 2, 2019. (See ECF No. 14.)

19
20 6. That Petitioner is housed in a facility within the Nevada Department
21 of Corrections, specifically High Desert State Prison in Indian Springs, Nevada.

22 7. That Petitioner is housed in a correctional center that has limited
23 availability for visitation, necessitating counsel to plan several weeks in advance as
24 well as request at least three weeks in advance in order to secure warden approval
25 for a legal visit.
26

1 8. That instant counsel has secured a visitation date with Petitioner,
2 currently set for May 1, 2019.

3 9. That the purpose of the instant motion is to request a continuance of
4 the deadline by which an amended complaint may be filed such that counsel may be
5 able to effectively meet and confer with her client prior to filing said amended
6 pleading.
7

8 10. That instant counsel, without revealing the substance of said
9 communications, has acted with reasonable diligence in communicating with
10 Petitioner, and has been able to successfully engage in certain communications
11 through U.S. Mail and via telephone.
12

13 11. That the instant Motion is not being prepared or filed under any bad
14 faith, or lack of due diligence.

15 12. That on April 19, 2019, instant counsel sent a request to Deputy
16 Attorney General Frost as to Respondents' intent as to the current motion. An
17 automatic response to said electronic communication advised that Deputy Attorney
18 General Frost was out of the office until April 23, 2019.
19

20 13. That Petitioner does not have an objection to said extension, and said
21 request encapsulates Petitioner's wishes as to the anticipated timeline.
22

23 IT IS SO ORDERED:
24

25 
26 _____
27 RICHARD F. BOULWARE, II
28 UNITED STATES DISTRICT JUDGE

DATED this 25th day of April, 2019.

CONCLUSION

That, accordingly, instant counsel respectfully requests an additional forty-five days, or on or before Monday, June 3, 2019 by which to prepare and file his first amended complaint. (see ECF No. 11.)

DATED this 19th day of April, 2019.

By: /s/ Angela H. Dows
Angela H. Dows, Esq.
Nevada Bar No. 010339
CORY READE DOWS & SHAFER
Attorney for Petitioner GREGORY MAY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of Premier Legal Group and is a person of such age and discretion as to be competent to serve papers.

That on April 19, 2019 she filed a true and accurate copy of the foregoing to the United States District Court, who will e-serve the following addressee:

Jared Frost
Deputy Attorney General
OFFICE OF THE ATTORNEY GENERAL
Grant Sawyer Building
555 East Washington Avenue
Las Vegas, Nevada 89101
Attorneys for Respondents

The following participant in this case is not a registered CM/ECF user and will be served via first-class U.S. Mail on or about April 19, 2019:

Gregory May
ID: 1156883
High Desert State Prison
22010 Cold Creek Road
Indian Springs, NV 89070

/s/ Angela H. Dows

An Employee of Cory Reade Dows & Shafer